

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

NORTH ATLANTIC OPERATING
COMPANY, INC.; NATIONAL
TOBACCO COMPANY, L.P.,

Plaintiffs,

v.

DMITRIY BABENKO, et al.

Defendants.

**CIVIL ACTION NO. 4:15-cv-
14013-TGB-DRG**

Honorable Terrence G. Berg

ORDER GRANTING STIPULATED PERMANENT INJUNCTION

Upon Stipulation by Plaintiffs North Atlantic Operating Company, Inc. and National Tobacco Company, L.P. (together, “North Atlantic”) and Defendants Ryan Davis and eBay Seller phae89 (together, the “Davis Defendants”), requesting that a permanent injunction be entered against the Davis Defendants as a condition of settlement of the dispute between these Parties, and for good cause shown:

IT IS HEREBY ORDERED that the Davis Defendants, as well as their agents, servants, employees, and officers, and all other persons in active concert or participation with them are hereby permanently enjoined and restrained from directly or indirectly, anywhere in the world:

1. Importing, shipping, manufacturing, distributing, delivering, advertising, promoting, making, purchasing, offering for sale, selling, or otherwise disposing of, in any manner (including, but not limited to, via online marketplace platforms such as eBay), any counterfeit or infringing ZIG-ZAG® brand cigarette paper products, including, but not limited to, ZIG-ZAG® 1¹/₄ Size French Orange (“ZIG-ZAG® Orange”), or any cigarette paper products bearing:

- (i) infringing or counterfeit versions of the ZIG-ZAG® Trademarks, the NAOC® Trademarks, the NAOC© Copyright, and/or the ZIG-ZAG® Orange Trade Dress (as these terms are defined in North Atlantic’s Complaint in the above-captioned action), which appear alone or in combination on all cartons and booklets of ZIG-ZAG® Orange cigarette paper products distributed by North Atlantic in the United States; and/or
- (ii) the false statement that such products are “Distributed by North Atlantic Operating Company, Inc.” or otherwise under the control or supervision of North Atlantic, when they are not;

2. Importing, shipping, manufacturing, distributing, delivering, advertising, promoting, making, purchasing, offering for sale, selling, passing off, or otherwise disposing of, in any manner (including, but not limited to, via online marketplace platforms such as eBay), any purported North Atlantic products that

are not actually produced, imported, or distributed under the control or supervision of North Atlantic and/or approved for sale in the United States by North Atlantic, in connection with the ZIG-ZAG® or NAOC® Trademarks or the NAOC© Copyright, or inducing or enabling others to commit any of the aforesaid actions;

3. Committing any acts calculated to cause purchasers to believe that counterfeit or infringing ZIG-ZAG® cigarette paper products, including ZIG-ZAG® Orange, originate with North Atlantic, when they do not;

4. In any way infringing or damaging the ZIG-ZAG® or NAOC® Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Orange Trade Dress;

5. Otherwise unfairly competing with North Atlantic in any way;

6. Forming or causing to be formed any corporation or other entity that engages in any of the above-described acts;

7. Attempting, causing, or assisting in any of the above-described acts, including, but not limited to, enabling others in the above-described acts, or passing on information to others to allow them to do so; and

8. Moving, destroying, altering, deleting, or otherwise actively disposing of any documents, records, communications, and/or electronically stored information concerning the import, manufacture, distribution, advertisement, promotion, making, purchase, offer to sell, or sale of any product that has been or is intended to be sold in packaging containing the ZIG-ZAG® or NAOC®

Trademarks, the NAOC© Copyright, or the ZIG-ZAG® Orange Trade Dress (including such information stored in online marketplace and/or financial accounts, to the extent it is maintained by and available from such online account service providers).

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: February 26, 2016
Flint, Michigan